

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELOISA J. CARRILLO,

Plaintiff,

v.

CIV No. 09-0358 LAM

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER GRANTING EAJA FEES

THIS MATTER is before the Court on Plaintiff's *Motion for Attorney Fees Under Equal Access to Justice Act, With Memorandum in Support Thereof* (hereinafter, "*Motion*") (Doc. 31). The Court has considered the *Motion* (Doc. 31), the affidavits of attorney and staff time spent (Docs. 31-2, 31-3, 31-4), Defendant's *Response to Plaintiff's Motion for Attorney Fees Under Equal Access to Justice Act* (Doc. 32), and the relevant law. The Defendant does not oppose the *Motion*. The Court, therefore, will **GRANT** the *Motion*.

IT IS THEREFORE HEREBY ORDERED that Plaintiff's *Motion* (Doc. 31) is **GRANTED**, and Plaintiff Eloisa J. Carrillo is authorized to receive **\$4,262.20** for payment to her attorney for services before this Court, in accordance with *Manning v. Astrue*, 510 F.3d 1246 (10th Cir. 2007).¹

IT IS SO ORDERED.



THE HONORABLE LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent

¹ If Plaintiff's attorney is also awarded fees under 42 U.S.C. § 406(b) for work in this case, the smaller of the two awards must be returned to Plaintiff. See *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002).